REMARKS

The Applicant respectfully requests reconsideration and allowance of claims 1 through 23 in view of the above amendments and the following arguments. The Applicant appreciates the Examiner's indication that claims 3, 5, 7, 8, 15, 19, and 22 are directed to allowable subject matter.

I. THE TELEPHONE INTERVIEW

The Applicant appreciates the telephone interview conducted on September 21, 2004, between Examiner Meek and Applicant's attorney, Russell D. Culbertson. In this telephone interview, the Examiner indicated that the above amendments to claims 1, 10, and 17 overcome the currently outstanding prior art rejections.

II. THE AMENDMENTS TO THE CLAIMS

Independent claims 1, 10, and 17 are amended above to clarify what is meant by the designations "first modulation" and "corresponding modulation." Specifically, these modulations vary the respective value for system supply voltage or clock signal frequency about a respective nominal value. These modulations about a respective nominal value are described in the specification at page 6, lines 22-25 and page 8, lines 22-25.

Claims 8 and 18 are amended to correct typographical errors.

III. THE CLAIM OBJECTIONS

Claims 1-23 were objected to because of the lack of an introductory statement to the claims, such as "what is claimed is." The Applicant points out that present application includes the section heading "CLAIMS" for the claim section. This section heading is specifically sanctioned at MPEP 608.01(a). Thus, the Applicants submit that the current section heading for the claims is acceptable.

Additionally, claims 1-23 were objected to as lacking a transition clause. However, the present claims use the acceptable transitional term "including." See MPEP 2111.03. Thus, the Applicants submit that claims 1-23 are not objectionable as lacking an transitional term.

IV. THE CLAIMS ARE NOT ANTICIPATED BY THE EVOY REFERENCE

Claims 1, 2, 9, 17, 18, 20, 21, and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. 5,787,294 to Evoy (the "Evoy patent" or "Evoy"). The Applicant respectfully submits that the present claims are not anticipated by the Evoy patent.

Independent Claims 1 and 17

Claim 1 requires "a modulating arrangement operatively connected to apply a first modulation to one of the system supply voltage or a clock signal frequency for the system." The claim is amended above to clarify that this first modulation varies the one of the system supply voltage or clock signal frequency "**about a nominal value for the one of the system supply voltage or clock signal frequency.**" Claim 1 also requires a similar limitation for a corresponding modulation arrangement applying a corresponding modulation to the other one of

the system supply voltage or clock signal frequency. Claim 17 is amended above with a similar clarification as to the "first modulation" for the power supply signal and "corresponding modulation" for the clock frequency.

In contrast to the requirements of claims 1 and 17, the Evoy patent does not teach or suggest a modulation that varies the clock frequency about a nominal clock frequency value or a corresponding modulation that varies the system supply voltage about a nominal supply voltage value. The Evoy patent discloses a programmable power supply capable of producing different operating voltage outputs to computer system components and a programmable frequency generator capable of producing different operating frequencies for the computer system components. However, the operating voltage and/or the operating frequency of the computer system components are only adjusted to a target value in Evoy based on the operating conditions of the system. There is no suggestion in the Evoy patent to vary both the operating voltage and operating frequency about a respective nominal value.

Therefore, since the Evoy patent does not teach or suggest all of the elements required in claim 1 and claim 17, claims 1 and 17 are not anticipated by the Evoy patent and are entitled to allowance with their respective dependent claims.

V. CLAIMS 4, 6, 10-14, AND 16 ARE NOT OBVIOUS IN VIEW OF THE EVOY AND HARDIN REFERENCES

Claims 4, 6, 10-14, and 16 were rejected under 35 U.S.C. 103(a) as being obvious over Evoy in view of the publication by Hardin, et.al. (the "Hardin reference" or "Hardin"). The Applicant respectfully submits that the present claims are not obvious over Evoy in view of

Hardin both because the proposed combination does not teach or suggest each element required in the respective claim, and because there is no teaching or suggestion in the prior art to make the proposed combination.

The References Do Not Teach or Suggest All Elements Required in the Rejected Claims

Independent Claim 10

Claim 10 is amended above to require a clarification similar to the one found in claims 1 and 17. Specifically, claim 10 now requires that each referenced modulation varies the respective value about a nominal value. Claim 10 also requires "a spread spectrum clock source having a frequency modulation input and providing a clock signal."

The Examiner relied on the Evoy patent to show the limitations regarding applying a first modulation and a corresponding modulation to the system supply voltage or clock signal frequency and cited the Hardin reference to show a spread spectrum clock source. However, as discussed above with reference to claims 1 and 17, the Evoy patent does not teach or suggest varying the system supply voltage and the clock signal frequency about a respective nominal value. The Hardin reference does not make up for this deficiency in Evoy. Specifically, the Hardin reference does not include any teaching about varying a system supply voltage.

Therefore, because the proposed combination of Evoy and Hardin does not teach or suggest each limitation required by claim 10, claim 10 is not obvious over the proposed combination and is entitled to allowance along with its respective dependent claims, claims 11-16.

Dependent Claims 4 and 6

In the obviousness rejections of claims 4 and 6, the Examiner relied on the Evoy patent for showing the elements of independent claim 1 and cited the Hardin reference for the spread spectrum clock source element required by dependent claims 4 and 6. As discussed above, the Evoy patent does not teach or suggest varying the clock signal frequency and system supply voltage about a respective nominal value. The Hardin reference does not compensate for this deficiency in the Evoy patent because it does not include any teaching regarding varying a system supply voltage. Therefore, claims 4 and 6 are not obvious over Evoy in view of Hardin and are entitled to allowance.

There is No Teaching, Suggestion, or Motivation to Combine the Cited References

The Examiner stated that it would have been obvious to "adapt the system of Evoy with the spread spectrum clock of Hardin to produce an apparatus with superior EMI performance." However, the nature of the problems to be solved by the Evoy and Hardin references are different. In particular, the invention described in the Evoy patent was made "to provide a system and method for reducing the power consumption of a computer system." (col. 2, lines 33-38 of Evoy). On the other hand, the spread spectrum clock arrangement of the Hardin reference was designed to reduce EMI emissions. (p. 227 of Hardin). Since the nature of the problems to be solved by the Evoy patent and the Hardin reference are different and neither reference provides any teaching concerning any relationship between EMI emissions and system performance, there is no teaching, suggestion, or motivation to one of ordinary skill in the art to combine the teachings of the references.

Therefore, because there is no teaching, suggestion, or motivation to combine the Evoy and Hardin references, claims 4, 6, 10-14, and 16 are not obvious over Evoy in view of Hardin and are entitled to allowance.

VI. CONCLUSION

For all of the above reasons, the Applicant respectfully requests reconsideration and allowance of claims 1 through 23. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, he is asked to telephone the Applicants' attorney, Russell D. Culbertson, at the number listed below.

Respectfully submitted,

The Culbertson Group, P.C.

Dated: September 27, 2004

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 703-872-9306) on September 27, 2004.

Reg. No.54,785, Trevor Lind _____

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